

Resolution No. 15-868
Introduced: February 1, 2005
Adopted: February 1, 2005

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 23-04, Financial Disclosure

Background

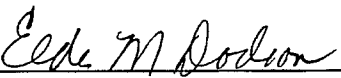
1. The Montgomery County Public Ethics Law (County Code §19A-17(a)-(b)) authorizes the County Executive by regulation to designate certain public employees who must file a financial disclosure statement. The County Executive must find that requiring these employees to file a financial disclosure statement will promote trust and confidence in County government.
2. On January 14, 2005, the County Council received Executive Regulation 23-04, Financial Disclosure.
3. The Council reviewed the regulation under method (2) of § 2A-15 of the County Code.
4. Under method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, the regulation automatically takes effect.
5. The Management and Fiscal Policy Committee reviewed Executive Regulation 23-04, Financial Disclosure, on January 24 and recommended approval.

Action

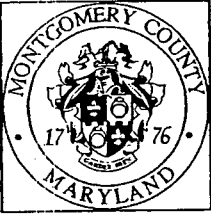
The County Council for Montgomery County Maryland approves the following resolution:

The Council approves Executive Regulation 23-04, Financial Disclosure.

This is a correct copy of Council action.



Elda M. Dodson, CMC
Acting Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Financial Disclosure	Number 23-04
Originating Department Office of the Chief Administrative Officer	Effective Date February 1, 2005

Montgomery County Regulation on FINANCIAL DISCLOSURE STATEMENTS EXECUTIVE BRANCH

Issued by: County Executive

Regulation No. 23-04

Authority: Montgomery County Code (1994) Section 19A-17

Supersedes: Executive Regulation 6-03AM

Council Review: Method (2) under Code Section 2A-15

Register Vol. 21 No. November 1, 2004

Effective Date: February 1, 2005

Comment Deadline: _____

Summary: This regulation designates those public employees that the County Executive requires to file a public, limited public, or confidential financial disclosure statement. This amendment constitutes the annual revision of this regulation, and establishes a process for identifying specific employees who must file a financial disclosure statement.

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Address: Office of the County Attorney
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Rockville, Maryland 20850

Background: The Montgomery County Public Ethics Law authorizes the County Executive to designate certain public employees who must file a financial disclosure statement. The County Executive must find that requiring these employees to file a financial disclosure statement will promote trust and confidence in County government.

Section 1. Purpose.

The filing of a financial disclosure statement by each of the following public employees is desirable to promote the trust and confidence of the citizens of the County in the government of Montgomery County.

Section 2. List Of Employees Who Must File Financial Disclosure Statements.

A. Definitions.



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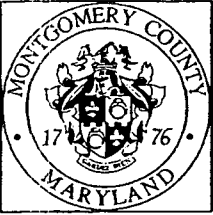
[(1) **Agency Head** means (1) the head of each department, principal office, regional service center, or office of the Executive Branch of County government; (2) the Executive Director of the Housing Opportunities Commission; and (3) the Executive Director of the Revenue Authority.]

(1) **Public Employee or employee** has the same meaning ascribed to it in Chapter 19A of the Montgomery County Code.

[(2) **Agency** includes any board, commission, or committee listed under the agency in Section 3.]

B. **Annual List.** By January 15 of each year, [each Agency Head] the Chief Administrative Officer must submit to the Ethics Commission a list identifying each **public employee** [affiliated with their Agency] who must file [under Section 3] a financial disclosure statement under Section 3.

C. **Updated List of employees not previously identified.** By January 15 of each year, [each Agency Head] the Chief Administrative Officer must also submit to the Ethics Commission an updated list identifying each **public employee** [affiliated with their Agency] who must file a financial disclosure statement even though the **employee or the employee's** position is not identified in [Section 3] the attached schedule. The [Agency Head] Chief Administrative Officer may include a **public employee** on this updated list if the **public employee is assigned additional duties or holds a position inadvertently omitted, retitled, or created during the previous calendar year or since this regulation was last amended, whichever period is longer, [if] and the [Agency Head] Chief Administrative Officer finds that a public employee in that position meets the criteria of Section 19A-17(c).** By January 15 of each year, the [Agency Head] Chief Administrative Officer must give written notice to each **employee** identified on the updated list that the **employee's** position meets the criteria of Section 19A-17 for filing a public, limited public, or confidential financial disclosure statement and that the **employee** must therefore file the appropriate statement. An **employee** added to the updated list may challenge inclusion on the updated list by filing a request for reconsideration [filing a written objection] with the Chief Administrative Officer within 15 calendar days after the [Agency Head] Chief Administrative Officer sends the written notice to the **employee**. [The Agency Head Chief Administrative Officer may file a written response with the Chief Administrative Officer.] After conducting whatever review the Chief Administrative Officer feels necessary, the Chief Administrative Officer must decide whether the **employee** must file a statement and, if so, what type of statement. The Chief Administrative Officer's decision is final and unreviewable. A **public**



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employee must file a public, limited public, or confidential financial disclosure statement as designated on the updated list.

- D. **List Contents.** The lists described in this section must identify each **employee** by name, position, e-mail address, work phone number, and work location. For confidential filers, the list must also identify the person who will review the employee's financial disclosure statement. For public and limited public filers, the list must identify a contact person.
- E. **Employees holding more than one position in the prior year.** If the employee held more than one position during the previous year, the [Agency Head] Chief Administrative Officer must indicate which position[(s)] requires the employee to file the financial disclosure statement. If the employee held more than one position during the previous year requiring the filing of a financial disclosure statement, the Chief Administrative Officer must identify that employee by the last held position requiring the filing of a financial disclosure statement.

Section 3. Requirement.

- A. **Public employees must file.** A public employee holding one of the [following] positions identified in the attached schedule at any time during the previous year must file a sworn, financial disclosure statement (public, limited public (LP), or confidential (conf), as indicated) under the Montgomery County Public Ethics Law, Article IV, Financial Disclosure. Positions designated as "LP" must file a limited public financial disclosure statement under § 19A-17 (a) (6), in addition to a confidential financial disclosure statement.
- B. **Voting Members.** Members of identified boards, commissions, and committees required to file include all voting members, regardless of whether the member is appointed ex-officio.
- C. **Public and limited public filers.** The Chief Administrative Officer may require public and limited public filers to file their financial disclosure statements with the Chief Administrative Officer, or designee, by the same date that confidential filers must file their financial disclosure statements with their reviewers. The Chief Administrative Officer must forward these financial disclosure statements to the Ethics Commission within 30 days after receipt.

APPROVED AS TO FORM AND LEGALITY
OFFICE OF COUNTY ATTORNEY

BY Edward Hatter

DATE 11/3/05

Douglas M. Duncan
County Executive